

REMARKS

Claims 1-31 are pending. Claims 16, 30 and 31 have been amended without narrowing their scope. The amendment to claim 16 is strictly a matter of form. The amendments to claims 30 and 31 broaden those claims, as discussed below. The Office Action required election between three inventions. Applicants traverse the restriction as follows.

Initially, the Examiner indicated in the March 9, 2004 Office Action that the various references cited in the previously-filed Information Disclosure Statements have been considered, and the box was checked off indicating that the forms PTO-1449 were returned with that Office Action. However, the initialed forms were not attached to the March 9, 2004 Action, nor were they attached to the Action mailed December 2, 2004, nor the Action mailed October 7, 2005. It is requested that the initialed PTO-1449 forms be attached to the next Office Action.

In the Office Action, the Examiner took the position that each of Groups I, II and III are “unrelated.” The MPEP describes unrelated inventions as being inventions that are “not connected in design, operation, or effect under the disclosure of the particular application under consideration.” Section 808.01.

The MPEP states that this situation “is but rarely presented, since persons will seldom file an application containing disclosures of independent things.” *Id.* In fact, the example given for when this type of restriction should be applied is when claims are presented, to, “e.g., a necktie and a locomotive bearing.”

It is clear from the foregoing description in the MPEP, that the inventions of Groups I, II and III are not “unrelated.”

As is believed clear from the specification, and the terminology used in the claims, the inventions of each of independent claim 1 (Group I), independent claim 30, (Group II) and independent claim 31 (Group III) relate to trading systems in which nodes are provided that are arranged as a plurality of cliques (in Group I this feature is added in dependent claim 2).

It is clear from the foregoing, and by other common features of the identified groups, that Groups I, II and III are not related as “a necktie [is related to] a locomotive bearing,” and that the Office Action has therefore not set forth a proper rationale for a restriction in this case, at least because the inventions are not unrelated, as that term is defined in the MPEP.

It is clear from the MPEP sections discussed above that restriction on the basis of claims being unrelated to one another is to be used *only* in cases in which an applicant combines two (or more) completely different inventions in a single application. It is also clear from the example given in the MPEP, i.e., the necktie and the locomotive bearing, that the claims in the present application do not remotely meet the strict standard for making such a restriction. It is therefore requested that the restriction be withdrawn as not meeting the requirements set forth in the MPEP.

To make the above even more clear, claims 30 and 31 have been amended to remove the recitation of the matching of input orders by the nodes. Each independent claim is clearly directed to distributing price quotation messages, similar to, and having the same effect as, claim 1. It is to be noted that these are *broadening* amendments. The claims are still intended to cover systems in which the nodes also perform matching, for example as disclosed in the specification. Claim 1 is also intended to cover such a system.

If the Examiner intends to maintain the restriction discussed above based on this rationale, this response is to be considered a Petition to Withdraw Restriction Requirement and it is requested that it be forwarded for decision to appropriate personnel.

Although the restriction is believed improper for at least the reasons set forth above, Applicants provisionally elect group I, claims 1-29.

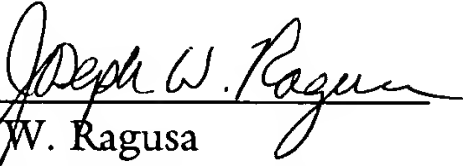
As to the required election between patentable species of generic claim 1, in view of the description of the species presented in the Office Action, Applicants submit that among the dependent claims, claims 2, 26 and 27 are directed to the arrangement and function of the nodes, claims 3-13 are directed to message routing, claims 14-25 are related to deal-related messages and their content, while claim 29 simply further specifies that the instruments being traded are fungible instruments.

For initial examination on the merits, Applicants provisionally elect the species of generic claim 1 and dependent claims 3-13, directed to message routing, subject to the traversal arguments relating the restriction requirement. Claim 29 simply states that the fungible instrument is a financial instrument and should be examined together as well. Once the restriction requirement is withdrawn, it is believed the species requirement will become moot. In any event, upon allowance of a generic claim, other claims directed to other species would be rejoined and allowed as well.

An early and favorable action on the merits, examining all of claims 1-31, is respectfully requested.

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Respectfully submitted,

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